

SHUMAKER & SIEFFERT, P.A.  
1625 RADIO DRIVE, SUITE 300  
WOODBURY, MINNESOTA 55125  
TEL 651.735-1100  
FAX 651.735-1102  
WWW.SSIPLAW.COM

RECEIVED  
CENTRAL FAX CENTER

SEP 10 2007

---

FACSIMILE SUBMISSION UNDER 37 CFR 1.8

---

TO:	FROM:
Examiner - Rex R. Holmes	Jason D. Kelly
COMPANY:	DATE:
USPTO	SEPTEMBER 10, 2007
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
1-571-273-8827	3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	1023-359US01
RP:	APPLICATION SERIAL NUMBER:
Terminal Disclaimer	10/826,926

---

This facsimile message is intended for the sole use of the intended recipient(s) and may contain information that is confidential, privileged and/or attorneys' work product. Any review or distribution by any other person is prohibited. If you are not an intended recipient, please immediately contact the sender and delete all copies.

---

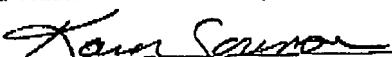
RECEIVED  
CENTRAL FAX CENTER

SEP 10 2007

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kenneth T. Heruth; Keith A. Miesel	Confirmation No.	1025
Serial No.:	10/826,926		
Filed:	April 15, 2004	Customer No.:	28863
Examiner:	Rex R. Holmes		
Group Art Unit:	3762		
Docket No.:	1023-359US01		
Title:	<u>COLLECTING POSTURE INFORMATION TO EVALUATE THERAPY</u>		

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on September 10, 2007.

By:   
Name: Karen Sorensen

Commissioner for Patents  
Alexandria, VA 22313-1450

09/11/2007 PCH0MP 00000010 501770 10000000

01 FC:1014 130.00 DA

TERMINAL DISCLAIMER

Dear Sir:

The owner of record of a 100 percent interest in the above-identified application, Medtronic, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the term of any patent issued from copending U.S. Patent Application No. 11/414,507. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent issued from the copending application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a

RECEIVED  
CENTRAL FAX CENTER

SEP 10 2007

maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certification, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

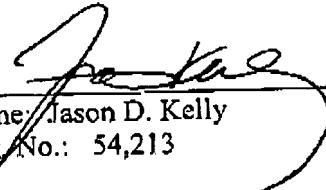
Please charge Deposit Account No. 50-1778 in the amount of \$130.00 for the Terminal Disclaimer fee.

The undersigned is an attorney of record.

Date:

9-10-07

By:

  
Name: Jason D. Kelly  
Reg. No.: 54,213

SHUMAKER & SIEFFERT, P.A.  
1625 Radio Drive, Suite 300  
Woodbury, Minnesota 55125  
Telephone: 651.735.1100  
Facsimile: 651.735.1102